

IN THE CHANCERY COURT OF HICKMAN COUNTY, TENNESSEE

KEVIN P. LAVENDER, In his official
capacity as Commissioner-In-
Possession of Sentinel Trust Company
and Receivership Management, Inc.,
Receiver of Sentinel Trust Company,

Plaintiffs,

v.

DANNY N. BATES, et al.,

Defendants.

No. 4980

FILED

AM APR 15 2010 PM

LINDA A. BOSSETT, CLERK & MASTER
BY: Lue Smith D.C.

**PLAINTIFFS' MOTION FOR ENTRY OF APRIL 7, 2010 MEMORANDUM AND
ORDER AS FINAL REGARDING DEFENDANTS DANNY N. BATES AND
DEANNA JUNE BATES**

I. Rule 54.02 Tenn. R. Civ. P. Motion

By Memorandum and Order (E.O.D. April 7, 2010), this Court ruled upon Plaintiffs' December 23, 2009 Motion for Summary Judgment. In that Memorandum and Order, the Court declined to make its ruling final pursuant to Rule 54.02 Tenn. R. Civ. P. On that point, the Court stated as follows:

[Plaintiffs have] requested that this Court enter an Order as a final judgment as to the claims adjudicated on this motion. Tenn. R. Civ. P. 54.02. *See also Brown v. John Roebuck and Assoc.*, 2009 WL 4878621 at *4-8 (Tenn. Ct. App. Aug. 7, 2009).

The Court is tempted to grant this request as to Danny Bates but finds after careful analysis it cannot do so. Part of the claim against Danny Bates relates to the fraudulent transfer which also involves Deanna June Bates.

Ms. Bates has standing to assert her position in reference to the fraudulent transactions in which she was involved on appeal. Yet, not all claims against her were resolved. The Court has denied summary judgment as to certain claims against her, but these claims remain before the Court.

If the claims against Deanna June Bates, other than as recipient of fraudulent transfers, were non-suited or dismissed, the Court could make this a final order as to Danny Bates and Deanna June Bates. Otherwise, the Court cannot grant the movant's request. *See Brown, supra*.

Memorandum and Order (E.O.D. April 7, 2010) at pp. 14-15 (bracket added).

Contemporaneous with the filing of this Motion, Plaintiffs have filed a Notice and Order of Voluntary Nonsuit as to Defendant Deanna June Bates wherein all claims, other than those involving Ms. Bates as the recipient of fraudulent transfers, have been non-suited.

Accordingly, Plaintiffs move the Court to "make this [April 7, 2010 Memorandum and Order] a final order as to Danny Bates and Deanna June Bates" (Memorandum and Order at 15 (bracket added)) and to make an express determination that there is no just reason for delay and direct the Clerk and Master to enter judgment as to Defendant Danny N. Bates and Defendant Deanna June Bates in relation thereto. Rule 54.02 Tenn. R. Civ. P.

II. Procedures to Respond to Instant Motion

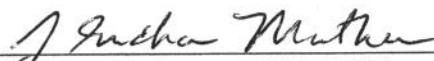
Pursuant to order entered by the Court on August 8, 2006, responses in opposition to this Motion must be filed with the Hickman County Chancery Court Clerk and Master on or before Monday, April 26, 2010. A copy of any response in opposition must be served, on or before that date, to undersigned counsel and mailed to Hon. Walter C. Kurtz, 708 Metropolitan Courthouse, Nashville, TN 37201. If responses in opposition

are filed timely, the matter will come before the Court for hearing at a time set by the Court with notice given to all affected parties. If no responses in opposition are filed by Monday, April 26, 2010, a proposed order granting the Motion will be sent to Judge Kurtz for consideration and entry.

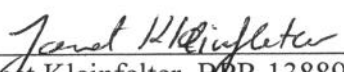
III. Conclusion

Accordingly, the Commissioner-in-Possession and Receiver respectfully move this Court for an Order making final the April 7, 2010 Memorandum and Order as to Defendants Danny N. Bates and Deanna June Bates. Rule 54.02 Tenn. R. Civ. P.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served upon the following, via U.S. Mail and by Federal Express as noted, on this the 14th day of April, 2010.

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